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Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources

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Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and the Arab population in the occupied Syrian Golan

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Note by the Secretary-General

Summary

In its resolution 2016/14, the Economic and Social Council requested the Secretary-General to submit to the General Assembly at its seventy-first session, through the Council, a report on the implementation of that resolution. The Assembly, in its resolution 71/247, also requested the Secretary-General to submit a report to it at its seventy-second session. The present report, which was prepared by the Economic and Social Commission for Western Asia (ESCWA), has been submitted in compliance with the resolutions of the Council and the Assembly.

The report covers Israeli practices and policies, in particular those that are in violation of international humanitarian law and international human rights law and that affect the social and economic conditions of the people living under its military occupation. Israel has employed discriminatory policies and practices, use of force that has at times been deemed excessive and restrictions on the freedom of movement, including the closures in Gaza, settlement expansion, destruction of property and the exploitation of natural resources in the Occupied Palestinian Territory and the occupied Syrian Golan. The cumulative impact of such policies and practices is not confined to violations of international law, including the rights of the population under occupation; it also exacerbates the social and economic conditions of that population.

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I. Introduction

1. The Economic and Social Council, in its resolution 2016/14, and the General Assembly, in its resolution 71/247, expressed concern about the economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan, as well as the exploitation, destruction and degradation of natural resources in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967.

2. In particular, the Council, in its resolution, calls for, inter alia, the full opening of the border crossings of the Gaza Strip and the full implementation of the Agreement on Movement and Access of 15 November 2005; stresses the need to preserve the territorial contiguity, unity and integrity of the Occupied Palestinian Territory, including East Jerusalem, and to guarantee the freedom of movement of persons and goods; demands compliance with the Protocol on Economic Relations between the Government of Israel and the Palestine Liberation Organization (the "Paris Protocol"); and calls upon Israel to respect the rules of international humanitarian law, refrain from violence against the civilian population, cease the destruction of homes and properties, economic institutions and agricultural lands and orchards, immediately end the exploitation of natural resources, cease settlement and settlement-related activity, account for the illegal actions perpetrated by Israeli settlers, pay urgent attention to the plight and the rights of Palestinian prisoners and detainees, comply with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and facilitate visits of the Syrian citizens of the occupied Syrian Golan whose family members reside in their mother homeland, the Syrian Arab Republic.

3. The present note provides information on relevant developments with regard to the foregoing.

II. Occupied Palestinian Territory

Israeli practices in the Occupied Palestinian Territory

4. Palestinians in the occupied territory are subject to a complex combination of Israeli and Palestinian legal systems. Lower human rights standards are applied to Palestinian suspects and defendants compared to Israeli suspects and defendants. Differences include the maximum period of detention before being brought before a judge, the duration for which a suspect can be prevented from meeting an attorney, protections for defendants during trial, maximum punishment and release before sentence completion. Furthermore, Israeli military law provides for additional offences that are not part of Israeli criminal law (A/HRC/34/38, paras. 38-39).

5. Since 1967, the Israeli authorities have implemented what have been deemed discriminatory planning policies with regard to Palestinian residents of East Jerusalem. Those policies include large-scale allocations of land for settlement building and the lack of adequate planning and investment in infrastructure for Palestinian neighbourhoods.[1]

[1] Bimkom, "Trapped by planning: Israeli policy, planning and development in the Palestinian neighbourhoods of East Jerusalem", 2014. Available from http://bimkom.org/eng/wp-content/uploads/TrappedbyPlanning.pdf.

6. Planning and zoning policy in Area C of the West Bank (which constitutes 60 per cent of the West Bank and where 5-10 per cent of the Palestinians in the West Bank reside), under full Israeli control, has been deemed restrictive, discriminatory and incompatible with international law (A/HRC/34/38, para. 25; see also para. 55 below). Palestinians living there are often faced with insurmountable Israeli obstacles when seeking to obtain construction permits, including high application fees and requirements that new housing be connected to often unavailable municipal works.[7] In East Jerusalem, although hundreds of small-scale plans were approved for Palestinians in recent years,[8] there is inadequate planning for future improvement on a large scale that is necessary to address public needs.

7. According to Israeli Civil Administration data, during the first six months of 2016, 391 of 428 (91 per cent) applications for building permits in Palestinian communities in Area C were rejected. The majority of applications approved were reportedly issued by the Israeli authorities for "relocation" sites planned for Bedouin communities.[9]

Violence and use of force

8. Serious concerns remain about the use of force and unlawful killings by Israeli security forces, including some cases which may have amounted to extrajudicial executions (A/HRC/34/38, para. 47). Several documented cases have raised the question as to whether those killed posed the level of threat that, according to international standards, would merit the use of deadly force (*ibid.*, paras. 29 and 44).

9. Overall, 63 Palestinians, including 19 children, were killed from 1 April 2016 to 31 March 2017 by Israeli army and security forces in the West Bank, including East Jerusalem, and the Gaza Strip. Approximately 2,276 others were injured, including 562 children. At least 37 of the Palestinians killed were carrying out or suspected of carrying out attacks against Israelis.

10. During the reporting period, 12 Israelis, including 7 civilians, were killed in Israel and the Occupied Palestinian Territory; 162 Israelis were injured in attacks by Palestinians.[4] Twelve rockets were fired into Israel by Hamas and extremist groups in Gaza, causing no casualties, to which Israel retaliated with over 50 airstrikes, resulting in at least one Palestinian civilian fatality and a number of injuries.

11. Palestinians who commit attacks against Israelis have been glorified, including by representatives of ruling parties. Continued terrorism and incitement violate Security Council resolutions, including resolution 2334 (2016), concerning the Occupied Palestinian Territory, in which the Council called for immediate steps to prevent all acts of violence against civilians, including acts of terror.

12. There were no Palestinian fatalities from unexploded ordnance during the reporting period, a fact that reflects a decline in recent years from 10 such fatalities in 2014, to 6 in 2015, to 1 in 2016.

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[7] United States of America, Department of State, *Country Reports on Human Rights Practices for 2016: Israel and The Occupied Territories*, available from https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dynamic_load_id=265502&year=2016#wrapper; Office for the Coordination of Humanitarian Affairs, "Under threat: demolition orders in area C of the West Bank", 2015; see A/70/92, para. 16.

[8] Office for the Coordination of Humanitarian Affairs, "Record number of demolitions and displacements in the West Bank during 2016", in Humanitarian Bulletin: Occupied Palestinian Territory, January 2017. Available from https://www.ochaopt.org/content/record-number-demolitions-and-displacements-west-bank-during-2016.

[9] Economic and Social Commission for Western Asia (ESCWA) calculations based on information obtained from the Humanitarian Bulletins of the Office for the Coordination of Humanitarian Affairs from April 2016 to January 2017.

Settler-related violence

13. Palestinians continued to suffer from settler violence and harassment during the reporting period, despite a significant drop in the recorded number of such incidents during the past three years, which was due, in part, to preventive measures implemented by Israeli authorities (A/HRC/34/39, paras. 19 and 20).

14. From 4 April 2016 to 20 March 2017, there were 39 violent settler-related incidents that resulted in Palestinian casualties in the West Bank, including East Jerusalem. During the same period, 73 Israeli settler attacks resulted in damages to Palestinian properties.[6]

Withholding of bodies of Palestinians suspects

15. During the reporting period, the Israeli authorities continued the practice of delaying the return of the bodies of Palestinians who carried out, or were alleged to have carried out, attacks. Such practice could amount to a collective penalty against the families of the deceased and may be contrary to the Fourth Geneva Convention (A/71/364, para. 25).

Detention and ill-treatment

16. By January 2017, approximately 6,500 Palestinians were being held in Israeli prisons, including 300 children. A total of 536 Palestinians remain under administrative detention.[7]

17. According to the Palestinian Ministry of Detainees and Ex-Detainees Affairs, more than 15,000 Palestinian women have at some point been detained by Israeli authorities since 1967.[8] The number of children in detention, including children under the age of 12, declined from 440 children in February 2016[9] to 335 in February 2017.[9]

18. The United Nations Committee against Torture expressed concern about a number of Israeli practices towards Palestinian detainees, including minors. Such practices include deprivation of basic legal safeguards for administrative detainees, isolation and solitary confinement of detainees, including minors, punishment and ill-treatment of hunger strikers, torture or ill-treatment of Palestinian children and the hindering of visits of relatives for child prisoners. The Committee also expressed concern about information it received to the effect that there is no proper accountability for torture and ill-treatment (CAT/C/ISR/CO/5, paras. 22, 24, 26, 28 and 30). No criminal investigation was opened into more than 1,000 complaints of torture or ill-treatment filed since 2001.[10]

19. The resort to administrative detention by Israel must be consistent with human rights guarantees[11] and with the exceptional nature of internment permitted under article 78 of the Fourth Geneva Convention. During the reporting period, a number of Palestinian administrative detainees resorted to hunger strikes to protest their detention without charge (see A/HRC/31/40, paras. 42 and 44).

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[6] Addameer, January 2017 database. Available from www.addameer.org/statistics (accessed 20 March 2017).

[7] See http://mod.gov.ps/wordpress/?p=1053.

[8] Defence for Children International-Palestine, Number of Palestinian Children (12-17) in Israeli military detention database. Available from www.dci-palestine.org/children_in_israeli_detention.

[9] Information provided to the Office of the United Nations Special Coordinator for the Middle East Peace Process by the Israeli authorities in March 2017.

[10] Amnesty International, *Amnesty International Report 2016/17: The State of the World's Human Rights* (London, 2017).

[11] See International Covenant on Civil and Political Rights, art. 9.

20. Israeli security forces continue to arrest fishermen, including some who claim to have remained within the military-permitted fishing zone in Gaza. Throughout 2016, Israeli security forces reportedly detained over 100 fishermen, the highest annual figure since the United Nations started to track such detentions in 2009.[11] Israel has reported that militant groups in Gaza make continuous efforts to smuggle weapons and materials for weapons production through the sea, including by using fishing boats.

Destruction and confiscation of property and infrastructure

21. During the reporting period, from April 2016 to March 2017, Israeli authorities demolished 726 Palestinian-owned structures in the West Bank, including East Jerusalem. That number is slightly lower than the one in the previous reporting period (810 structures). However, both figures are high compared to previous years. From 2011 to 2015, the number of structures demolished each year was below 650, for an average of 590 structures each year.

22. During the reporting period, Israel intensified punitive demolitions of Palestinian family homes, a measure that may amount to collective punishment (A/HRC/34/36, para. 31, and A/71/364, para. 23). That policy, which targets the family homes of Palestinians convicted or suspected of carrying out attacks against Israelis, resumed in mid-2014 (A/70/82, para. 42). Under its provisions, Israeli authorities demolished or rendered uninhabitable 21 homes during the reporting period, displacing 103 Palestinians, including 38 children. Overall, from 2014 to mid-January 2017, Israel punitively demolished or sealed 42 homes in the West Bank, including East Jerusalem.[12]

23. The so-called Regularization Law was passed by the Israeli Knesset in February 2017. If implemented, it could enable the continued use of private Palestinian land in the West Bank for between 2,000 and 4,000 housing units, according to some estimates.[13] Several petitions against the law are currently pending with Israel's High Court of Justice, and its implementation is likely to remain on hold until the Court rules on its legality.

24. Over one third of Area C is formally designated as public land (referred to as "State land" by Israel). The vast majority of "State land" declarations took place before the start of the Oslo peace process in the early 1990s. It is estimated that between 750 km^2 and 900 km^2 were declared "State land" by Israel from 1979 to 1992.[14] "State land" has been allocated exclusively for use by Israel and its citizens, rather than for the benefit of the local population, as required under international law. In late March 2017, the Israeli authorities declared nearly 1 km^2 in the West Bank as "State land".

25. Archaeological excavations, the creation of national parks and the development of tourist activities are other methods employed by Israel to entrench its presence in the West Bank (see A/HRC/34/39, paras. 21-22).

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[11] Office of the United Nations Special Coordinator for the Middle East Peace Process, "Report to the Ad Hoc Liaison Committee", September 2016.

[12] Hamoked, "Updated summary on punitive home demolitions from July 2014 to January 18, 2017", available from www.hamoked.org/Document.aspx?dID=Updates1828.

[13] Peace Now, "The grand land robbery: the land implications of the regulation bill on the reality on the ground", 29 November 2016. Available from http://peacenow.org.il/en/grand-land-robbery-implications-regulation-bill-reality-ground.

[14] Kerem Navot, "Blue and white make black: the work of the Blue Line Team in the West Bank", December 2016; and Nir Shalev and Alon Cohen-Lifshitz, "The prohibited zone: Israeli planning policy in the Palestinian villages in Area C" (Bimkom, 2008).

Population displacement

26. There is concern that the combination of State-sanctioned land seizures, retroactive legalization of outposts, demolition of Palestinian homes and livelihood structures, denial of Palestinian building permits, restrictions of movement and access to livelihoods, settler violence and a lack of accountability contribute to the creation of a coercive environment in areas under full Israeli control, propelling Palestinians to move out of certain parts of Area C and East Jerusalem (ibid., para. 41).

27. Involuntary displacement and relocation to alternative residential areas, as a result of such policies, may amount to forcible transfer if it is carried out without the free and informed consent of the individuals who re. :ate, in violation of Israel's obligations under international humanitarian and human rights law (A/HRC/34/38, paras. 27-28).

28. During the reporting period, 1,122 Palestinians were displaced as result of home demolitions. While that number is similar to the one of the previous reporting period (1,144), it still reflects a high rate of demolitions compared to previous years.[15]

29. Residents of Palestinian communities located in Area C face the risk of land confiscation, home demolitions and forced displacement.[16] Hundreds of Palestinian families are at risk of forced eviction in East Jerusalem owing to the seizure of buildings by Israeli settlers in Silwan and the Old City, as well as to various parks and tourism sites being developed by the Israeli authorities. Bedouin communities in Area C are also at high risk of displacement owing to the policy of demolition of structures that Israel deems as "illegal".[17]

30. In Gaza, there has been significant progress in the reconstruction effort during the reporting period. The majority of the nearly 18,000 homes rendered uninhabitable during the conflict have been reconstructed or are in the process of being reconstructed. However, 39,000 persons continue to live in temporary shelters, given the funding gap of $115 million required for the rebuilding of nearly 2,900 totally destroyed homes.

Israeli settlement activity

31. Israeli settlement policies violate Security Council resolutions, including resolution 2334 (2016), in which the Council reaffirmed that the establishment by Israel of settlements in the Palestinian territory occupied since 1967, including East Jerusalem, has no legal validity and constitutes a flagrant violation under international law and a major obstacle to the achievement of a lasting and comprehensive peace. The presence and continued expansion of Israeli settlements lie at the root of a broad spectrum of human rights violations in the West Bank, including East Jerusalem (see A/HRC/31/43, para. 5).

32. The Government of Israel continues to support population growth in the settlements by providing State-led public services, opening new economic activities, advancing housing plans and providing tax benefits to some of the settlements (A/71/355, para. 4).

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[15] Office for the Coordination of Humanitarian Affairs, Demolitions system database, available from http://data.ochaopt.org/demolition-sys.aspx.

[16] United Nations Country Team, Occupied Palestinian Territory, "Common country analysis 2016: leave no one behind — a perspective on vulnerability and structural disadvantage in Palestine" (2016).

[17] Office for the Coordination of Humanitarian Affairs, "Humanitarian needs overview 2017: Occupied Palestinian Territory" (2016).

33. The settler population in the West Bank, including East Jerusalem, has doubled since the Oslo Accords, reaching over 594,000 persons (including an estimated 208,000 persons in East Jerusalem) by the end of 2015, who live in some 130 settlements and 100 outposts (A/HRC/34/39, para. 11).

34. If implemented, the Regularization Law could retroactively legalize up to 4,000 settler residences in the West Bank that were built on land privately owned by Palestinians.[18]

35. According to data from the Israeli Central Bureau of Statistics, 2016 saw 2,630 housing construction starts in West Bank settlements, a 40 per cent increase compared to 2015 (1,901). The second quarter of 2016 saw construction starts for 1,102 housing units in Area C settlements, the highest quarterly figure in over seven years.[19]

36. Since the beginning of 2017, the Israeli authorities promoted some 6,000 housing units in the West Bank, all in Area C. Within a three-week period, plans for some 3,000 units were promoted in the planning process and plans for over 240 units reached the final approval stage. In addition, during the first three months of 2017, tenders for around 2,800 housing units were published. By comparison, during the whole of 2016, plans for about 3,000 units were advanced, 700 reached the final stage of approval and tenders were issued for only 42 units in Area C. The reporting period saw advancements of plans for around 1,600 housing units in East Jerusalem settlements, with none reaching the final stage of approval. In addition, tenders for 323 units were issued in July 2016.

Movement and access restrictions

Gaza closure, including access-restricted areas

37. The closures in Gaza, significantly tightened after Hamas took over the area in 2007, together with successive military confrontations since then, have exacerbated the humanitarian crisis in Gaza, which severely undermines any effort at development and results in recurrent violations of human rights (A/HRC/34/38, para. 66).

38. The closures have a negative impact on basic human rights and economic prospects, as well as the availability of essential services, which exacerbates poverty and aid dependency. Access to health, education and broader economic and social rights is restricted.

39. Throughout 2016, the Rafah crossing remained closed, with the exception of 44 days (compared to 33 days in 2015).[20]

40. When rejecting requests by Palestinians from Gaza for permits to enter Israel, Israeli authorities tend to provide only general explanations, usually claiming that the request falls outside the criteria defined in the closure policy or that it was denied on security grounds. The approval rate for patients seeking to leave Gaza for medical treatment through Erez dropped from 77.5 per cent in 2015 to 62.1 per cent in 2016, the lowest since 2009.[21] At the same time, the absolute number of patients

[18] Knesset, "Knesset passes settlement regulation law", press release, 7 Febr...y 2017. Available from https://www.knesset.gov.il/spokesman/eng/PR_eng.asp?PRID=13341.

[19] See www.cbs.gov.il/hodaot2017n/04_17_083t3.pdf.

[20] Office for the Coordination of Humanitarian Affairs, Humanitarian Bulletin: Occupied Palestinian Territory, January 2017. Available from https://www.ochaopt.org/content/record-number-demolitions-and-displacements-west-bank-during-2016.

[21] Information received from the World Health Organization (WHO).

from Gaza allowed to enter Israel has seen a steady and significant increase year by year, from 5,130 patients in 2009 to 17,665 patients in 2016.[22]

41. From 3 April to 22 May 2016, Israel temporarily froze the entry of cement into Gaza, citing that significant portions of it were diverted, including for military use by Hamas. Despite the freeze, 2016 saw a 56 per cent increase in the import of cement over 2015. That trend continued during the first three months of 2017, when about 245,000 tons of cement entered Gaza, more than the total amounts for 2012, 2013 and 2014 combined.[23]

42. The amounts and value of exports from Gaza remain low compared to their pre-2007 levels. The number of truckloads of goods that exited Gaza in March 2017 remained at only 36 per cent of the figure for 2007, despite a significant increase compared to previous years.[24]

43. As part of its closure policy, Israel imposes restrictions on access to land and maritime areas, citing security concerns, including smuggling of weapons and digging of tunnels by Hamas and extremist groups in Gaza. The official access-restricted area extends 100 m from the fence between Israel and Gaza. In addition, for several hundred metres further from the fence, civilians face high risks of being shot by Israeli security forces.[25]

44. In March 2016, Israel reportedly expanded the range in which Palestinians can fish from 6 to 9 nautical miles off the Gaza coast, before reducing it back to 6 miles in June that year.

Movement restrictions in the West Bank

45. Forty-four per cent of West Bank land is off-limits to Palestinian construction and development. The land is used for Israeli settlements, military zones, natural reserves and Israel's "barrier" in the West Bank, built in 2003 for the stated purpose of preventing Palestinians from carrying out attacks in Israel. Although not yet completed, the "barrier" effectively creates a reality in which access by most Palestinians to about 4 per cent of the West Bank, including East Jerusalem, can be achieved only with a permit from the Israeli authorities.[16] The two main areas in the West Bank that most Palestinians cannot access without a permit are the area west of the "barrier", known as the "seam zone",[26] and East Jerusalem (see A/HRC/31/44).

46. The West Bank is divided into three categories. Areas A and B are under the civil control of the Palestinian Authority, cover 40 per cent of the West Bank and are home to about 90 per cent of its Palestinian population. Area C covers the rest of the area and includes all Israeli settlements. Area C separates Areas A and B into over

[22] For 2009 figure, see, WHO, "Right to health: crossing barriers to access health in the Occupied Palestinian Territory 2014-2015" (2016). Available from www.emro.who.int/images/stories/palestine/documents/WHO_-_Access_Report_2014-15_-Final.pdf. For 2016 figure, see WHO, "Health access for referral patients from the Gaza Strip", monthly report, December 2016. Available from www.emro.who.int/images/stories/palestine/WHO_monthly_Gaza_access_report-Dec_2016-Final.pdf.

[23] See grm.report.

[24] In March 2017, 372 truckloads of goods exited Gaza, 36 per cent of the monthly average during the first half of 2007 (1,040 truckloads), according to the Office for the Coordination of Humanitarian Affairs. During this reporting period, a total of 2,540 truckloads of goods exited Gaza, marking a significant increase compared to the previous reporting period (1,712 truckloads) and the one preceding it (388 truckloads). Information available from http://data.ochaopt.org/gazacrossing/index.aspx?id=4.

[25] Office for the Coordination of Humanitarian Affairs, "Gaza strip: access and movement fact sheet 2016", March 2017.

[26] The area that lies between the wall and the Armistice Line of 1949.

150 distinct areas of varying sizes, many of them separated by settlements and their related infrastructure.

47. By mid-December 2016, there were 472 obstacles to movement in the West Bank, including permanently and partially staffed checkpoints, earth mounds, roadblocks and road gates. Compared to a similar survey conducted in 2015, the cumulative number of obstacles rose by 5 per cent, although the number of permanently staffed checkpoints decreased by 25 per cent compared to 2015. In Hebron, by March 2017, 100 obstacles were deployed within the Israeli-controlled area of the city.[27]

48. As noted in previous reports of the Secretary-General, following attacks against Israelis, the Israeli authorities have often employed measures that may amount to a collective penalty, which affect the members of the family or the community of the attackers or alleged attackers (A/HRC/34/38, para. 31). For example, on 1 July 2016, after a shooting attack in which one Israeli was killed, the Palestinian town of Yata, with a population of over 60,000 persons, was cordoned off. Severe restrictions remained in place through most of July (A/HRC/34/36, para. 34).

49. Israel continues to construct the "barrier" in the West Bank, contrary to the 2004 International Court of Justice advisory opinion, which states that "the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime, [were] contrary to international law" (see A/ES-10/273 and Corr. 1). Of the current planned 712 km route, 85 per cent lies within the West Bank. In addition, if the construction of the "barrier" is completed, up to 25,000 Palestinians could be added to the 11,000 Palestinians already isolated in the "seam zone".[16]

Exploitation, endangerment and depletion of Palestinian natural resources

50. The population of Gaza still suffers from the repercussions of the 2014 military conflict, in terms of access to water and sanitation infrastructure.[17] Constraints on the rehabilitation of infrastructure have left 23 per cent of Gazans disconnected from the sewage network.[18]

51. Damage to electricity gridlines and fuel and electricity shortages have contributed to a chronic electricity and fuel deficit in Gaza over the past 10 years.[17] During January 2017, in the middle of winter, the electricity crisis reached its peak, in large part owing to a dispute over payments between the Palestinian Authority in Ramallah and Hamas in Gaza. About 2 million Palestinians were left with three hours of electricity per day, as opposed to six and eight hours of electricity per day at other times.[28]

52. The chronic electricity deficit further exacerbates the water crisis in Gaza, as it affects more than 300 water and wastewater facilities, which results in an inadequate and irregular water supply and in untreated sewage that overflows into the streets or into the sea.[28]

53. The coastal aquifer remains the primary water source for the people of Gaza, yet 95 per cent of its water is no longer considered fit for human consumption. Forty per cent of Gaza's population receives just five to eight hours of water supply every three days. An estimated 85 per cent of Gaza's residents rely on drinking water from public or private producers, whose production, supply chain and household storage results in potential contamination.[28] The daily average water

[27] Office for the Coordination of Humanitarian Affairs, Humanitarian Bulletin: Occupied Palestinian Territory, March 2017.

[28] United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), Gaza situation report, No. 178 (January 2017).

consumption in Gaza is thus 79 l per capita per day, well below the rate of 100 l recommended by the World Health Organization (WHO). As a result, 95 per cent of the population may now be at risk of water-borne diseases.[16]

54. In the West Bank, difficulties in obtaining Israeli permits for activities related to constructing or rehabilitating Palestinian water infrastructure[29] contribute to denying Palestinians their right to access water.[30]

55. A total of 620,000 persons either are not connected to a water network or receive water only once a week or less. A total of 150,000 of them live in Area C, where Israel has full responsibility over water. Certain Area C communities face other restrictions regarding physical access to water supplies, in addition to continued demolitions of water, sanitation and hygiene (WASH) infrastructure.[17]

56. By June 2016, average water consumption by Palestinians in the West Bank stood at 73 l of water per capita per day, again well below the consumption of 100 l recommended by WHO and drastically lower than the 240 l to which Israelis have access.[29] In some areas, Palestinian water consumption was as low as 20 l per person per day, in particular in communities without water infrastructure.[31]

57. Palestinians are prevented from accessing the Jordan River and are only allocated 13 per cent of the mountain aquifer water. The rest is absorbed by Israel, which also has access to a wide range of other water resources. The scarcity of water resources for Palestinians in the West Bank leaves them dependent on the Israeli water company Mekorot for 18.5 per cent of their water needs (2014 data).[29] On average, 8 per cent of Palestinian monthly expenditure is for purchasing water, compared to the world average of 3.5 per cent.[17]

58. In East Jerusalem, decades of insufficient investment in infrastructure and the lack of building permits result in about 36 per cent of the population with vulnerable illegal connections to water networks and up to a third of the population lacking sewage connections.[17]

59. In the West Bank, farmers suffer from difficulties in accessing their lands. Those with farmland in the "seam zone" or in the vicinity of settlements require special Israeli permits or prior coordination arrangements in order to access them.[17] Along similar lines, Israeli restrictions prevent Palestinians from benefiting from most land resources located in Area C.[16]

60. Israeli-imposed restrictions on fishing areas off Gaza have resulted in the deterioration of the Strip's fishing sector. The shrinking fishing zone has led to overfishing in a small area, resulting in a decreased fish population and depletion of their breeding grounds.[32]

61. Official Palestinian sources have claimed that practices by Israeli authorities and settlers, including the illegal transfer of hazardous waste to the West Bank and the allocation of parts of the Jordan Valley to an Israeli dumpsite devoted to industrial waste, have gravely damaged Palestinian agricultural land, health, animals and biodiversity.[33]

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[29] "EWASH concerned by water restrictions in the West Bank resulting from Israeli discriminatory policies", press release, 21 June 2016. Available from http://reliefweb.int/report/occupied-palestinian-territory/ewash-concerned-water-restrictions-west-bank-resulting-israeli.

[30] See https://www.ochaopt.org/content/risk-settler-takeover-ein-fera-water-spring-hebron#_ftn5.

[31] World Bank, "Water situation alarming in Gaza", 22 November 2016.

[32] See Office of the United Nations Special Coordinator for the Middle East Peace Process, "Report to the Ad Hoc Liaison Committee", September 2016.

[33] See http://www.pcbs.gov.ps/site/512/default.aspx?tabID=512&lang=en&ItemID=1627&mid=3171&wversion=Staging#.

Socioeconomic conditions in the Occupied Palestinian Territory

62. The impact of the occupation ranges from humanitarian crises to obstruction of social and economic development, at times reversing the development trajectory.

Economic conditions[34]

63. The economy of Palestine contracted sharply during the second half of 2014 and the beginning of 2015, in the aftermath of the last Gaza military conflict. Since then, the economy has continued to recover, with stable growth and subdued inflation. Constant-price gross domestic product increased by 5.1 per cent in the first three quarters of 2016 relative to the same period in 2015. The increase originated mainly in Gaza, where an average growth of 9.8 per cent was registered. Growth in the West Bank, while more moderate, remained stable at 3.7 per cent.

64. The growth in the West Bank was attributed mostly to robust performance in the manufacturing sector and some services activities, such as financial services and education. However, growth was restrained by modest declines in agriculture, construction and trade. On the expenditure side, the positive economic performance of the West Bank during 2016 can be attributed mainly to private consumption, while investment and, to a lesser extent, government expenditure, registered negative rates of growth. The high rates of growth in the Gaza Strip during the first three quarters of 2016 are due mainly to the continued improvement in the construction sector and public administration services. In terms of expenditure, growth in the Gaza Strip was led solely by gross capital formation, mirroring the positive performance of the construction sector described above, since both private consumption and the external sector contributed negatively to growth.

65. There are sharp differences in living conditions between Gaza and the rest of the Occupied Palestinian Territory. In spite of recent high growth rates in Gaza, the 2014 conflict exacerbated the divergence between that area and the West Bank. This fact can be explained by the cumulative impact of conflicts, closures and the Hamas takeover of Gaza, which have endured over the last years.

66. The unemployment rate in the fourth quarter of 2016 was 25.7 per cent (16.9 per cent in the West Bank and 40.6 per cent in the Gaza Strip), a slight decline of 0.4 per cent compared to the same period in 2015. At the same time, labour participation declined by 2.2 per cent, suggesting that many workers are leaving the labour force (the "discouraged worker" effect). Although unemployment among young Palestinians (from 15 to 29 years of age) showed modest improvement in the last quarter of the 2016, it increased by 1.5 per cent during all of 2016. This rate reached 45.4 per cent in the third quarter of 2016, its highest level since 2014. Unemployment among Palestine refugees also remained high at 31.6 per cent.

67. The persistently high unemployment rate in Gaza (the average for 2016 was 41.7 per cent) remained above its pre-2014 level, showing that the labour market is still struggling to recover from the fallout of the 2014 escalation.

68. The rate of female unemployment not only is higher than that of men (43.9 per cent compared to 21 per cent in the fourth quarter of 2016), but it has also increased for almost 10 consecutive years. Despite an encouraging recent increase in the female labour force participation rate, this figure stood at 18.9 per cent for ages 15

[34] Unless stated otherwise, this section is based on the analysis by ESCWA of figures from official national accounts, labour statistics and consumer price indices published by the Palestinian Central Bureau of Statistics, as well as from the quarterly bulletins of the Palestinian Monetary Authority. All data were accessed on 23 March 2017. Figures for 2016 are preliminary.

and above in the fourth quarter of 2016, still considerably below that for men (71.4 per cent).

69. National fiscal revenue saw some encouraging developments. Gross domestic revenue grew by 27.8 per cent in 2016, continuing an upward trend that has led to a more-than-doubling (208.7 per cent) since 2006 and achieving a record high in the third quarter of 2016. In 2016, earmarked tax collection increased by 48.6 per cent from its 2015 level. Such positive developments are combined with a strong dependency on clearance revenue (customs revenue directed and controlled by Israel), which still represents approximately two thirds of total domestic revenue. Israel deducted about $120 million per month until May 2016 to cover electricity, water and wastewater bills due by the Palestinian Authority, as agreed by the parties to the Oslo agreements. That amount was 34 per cent less than the same one for 2015.[35] Public debt decreased slightly in the last quarter of 2016, which could lead to a welcome change to the long-standing upward trend, as the total public debt has already increased by 127.5 per cent since 2006.

Food security stop

70. Although improvements have been registered in recent years, food insecurity remains high in Palestine, with 26.8 per cent of households classified as food insecure in 2014.[36] Improvements originate only in the West Bank, where food insecurity fell from 22.1 per cent of households in 2013 to 16.3 per cent in 2014. The situation in Gaza remains dire, with food insecurity at a high level (46.7 per cent of households in 2014) and deteriorating (up from 44.5 per cent in 2013). In the West Bank, food insecurity is particularly high in refugee camps, at 29 per cent.[37]

71. Food insecurity in the Occupied Palestinian Territory derives primarily from the lack of economic access to food that is intrinsically correlated with poverty. Food security is further hampered by the insufficient or unstable food supply, both in the Gaza Strip, where the decade-long closures and recurrent conflicts with Israel have affected productive capacity, and in the West Bank, where restrictions on the movement of persons and goods heavily impede livelihoods and economic activity.[38]

72. Approximately half of the Palestinian population suffers from more than one micronutrient deficiency.[17] A food security crisis in Gaza has only been averted owing to large-scale humanitarian assistance.[39] More than 70 per cent of Gaza's residents receive some form of international aid, the bulk of which is food assistance.[40] The population that receives UNRWA food aid has grown more than tenfold from 2000 to 2016, rising from fewer than 80,000 to over 960,000 persons. In the West Bank, food insecurity in refugee households reached 22 per cent compared to 14 per cent for non-refugee households.

[35] Data from the Palestinian Ministry of Finance.

[36] Food insecure households are those classified as "severely food insecure" or "moderately food insecure" under the Socioeconomic and Food Security Survey methodology. For more information, see Palestine Food Security Sector and Palestinian Central Bureau of Statistics, "Socioeconomic and food security survey 2014: State of Palestine" (2016).

[37] Palestine Food Security Sector and Palestinian Central Bureau of Statistics, "Socioeconomic and food security survey 2014: State of Palestine" (2016).

[38] Ibid.

[39] Information received from UNRWA.

[40] Available from https://www.ochaopt.org/content/gaza-strip-humanitarian-impact-blockade-november-2016.

Education

73. In 2016, education-related grave violations continued to restrict the right of children to access education safely in the West Bank, including East Jerusalem.[41]

74. The planning and zoning regime applied by the Israeli authorities in Area C and East Jerusalem has created a shortage of school buildings. A total of 50,000 Palestinian children are enrolled in 183 schools in Area C. Over 1,700 children from 37 West Bank communities commute to schools more than 5 km away. Harassment and violence have also been reported as causes that complicate journeys to and from school.[16]

75. UNRWA reports that 75 per cent of schools in Gaza continued to operate on a double-shift basis in 2016. Refugee children have fewer opportunities to engage in recreational and creative pursuits than students attending single-shift schools.[39]

76. In Gaza, all 252 schools that were damaged or destroyed during the 2014 hostilities have been repaired and are fully operational, the completely destroyed UNRWA school has been reconstructed and work is under way on the six remaining destroyed schools. Of the 14 higher education institutions affected by the hostilities, 4 have been repaired and work is ongoing on another 7 institutions. A total of 180 of the 274 damaged kindergartens have been repaired.[42]

77. In Gaza, children's learning experiences are negatively affected by the short school days owing to double shifts and chronic overcrowding. Security-related incidents have also affected school infrastructure in Area C and areas close to settlements.[43]

Public health

78. Gaza is one of the most densely populated areas in the world, with over 5,000 persons per km^2.[44] The situation is particularly challenging for 43 per cent of the refugees who live in camps where the average population density is nearly 40,000 persons per km^2.[45] Overcrowded living conditions and substandard housing have heightened public health risks associated with improper solid waste disposal at dumping sites and standing wastewater, especially near refugee camps.[16]

79. In Gaza, closures, the political divide[46] and recurrent conflict have severely affected the availability and quality of health services. Many patients are suffering from frustration, unnecessary pain and health risks associated with delayed care caused by, inter alia, shortages in skilled personnel, drugs and disposables, and electricity supply.[42]

80. In the West Bank, Palestinians must obtain permits for each health appointment that requires travel to Jerusalem or neighbouring countries and are often delayed or denied such permits, often without being given a reason. Israeli restrictions on movement require ambulances that transport patients from the West Bank to Jerusalem hospitals to use a "back-to-back" procedure, where two vehicles meet and the patient is moved between them across the checkpoint or the wall.[16]

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[41] See http://www.dci-palestine.org/raids_tear_gas_and_a_burned_house_three_west_bank_school_days. See also United Nations Children's Fund (UNICEF), Humanitarian situation report: State of Palestine, January-March 2017.

[42] See United Nations Country Team in the State of Palestine, "Gaza: two years after" (2016).

[43] UNICEF, Humanitarian situation report: State of Palestine, October-December 2016.

[44] Information received from the United Nations Environment Programme (UNEP) citing data from the Palestinian Central Bureau of Statistics and the National Population Committee.

[45] UNRWA, Gaza situation report No. 191, April 2017.

[46] Robert Piper, "The humanitarian impact of a divided government", 12 July 2016. Available from https://www.ochaopt.org/content/humanitarian-impact-divided-government.

III. Occupied Syrian Golan

81. In its resolution 497 (1981), the Security Council decided that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights is null and void and without international legal effect, and demanded that Israel, the occupying Power, should rescind forthwith its decision.

82. On 7 September 2016, Israeli authorities reportedly undertook the first home demolition in Majdal Shams, citing the lack of a necessary building permit (A/HRC/34/39, para. 59).[47] Land, housing and development policies established by Israel have made it difficult for Syrians to obtain building permits, which results in the reported overcrowded Syrian villages.[48] According to the Syrian Arab Republic, Israeli authorities restrict Syrian usage of land to 18,000 hectares, while Israeli settlers are allowed to utilize 140,000 hectares (A/HRC/34/37, para. 24).

83. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories cited allegations by civil society organizations that Israeli authorities seek to expropriate lands owned by the Syrian population by declaring them "green areas" in order to prevent their use by the Syrian population for construction, farming, grazing or other purposes. It was further alleged that such policies inhibited the improvement of road and sewage systems, the building of industrial infrastructure and the construction of educational, health and cultural institutions for the benefit of the Syrian population (A/71/352, para. 91).

84. The International Labour Organization (ILO) maintains that the allocation of water for Syrian farmers is limited to 200 m^3 per 1,000 m^2, which is liable to be reduced owing to drought, while settlers receive between 600 and 800 m^3 and in practice as much as they require. This has undermined agricultural work, rendering it a secondary activity for many Syrian farmers.[49]

85. Meanwhile, settlement expansion by Israeli authorities in the occupied Syrian Golan continued during the reporting period in violation of international law (A/HRC/34/39, para. 58). In October 2016, the Government of Israel reportedly approved plans for the construction of 1,600 new homes in the settlement of Katzrin (A/HRC/34/39, para. 59) and according to ILO, the Government is offering young married Israeli couples the opportunity to rent the land of Syrians who left the area in 1967.[50]

86. According to the Special Committee, Israeli and foreign-owned companies have continued to explore and exploit natural resources, including water, gas and oil resources, after receiving licences from the Israeli authorities (A/70/406, para. 25).

87. In recent years there has been increased investment by the Government of Israel in the development of the Syrian communities in the Golan, including through the adoption of a three-year plan for the period 2014-2017 that allocated nearly $60 million, mainly for education and infrastructure development.

[47] See also http://golan-marsad.org/press-release-israeli-authorities-demolish-home-in-majdal-shams-in-the-occupied-syrian-golan/.

[48] See http://golan-marsad.org/press-release-israeli-authorities-demolish-home-in-majdal-shams-in-the-occupied-syrian-golan/.

[49] International Labour Organization (ILO), *The Situation of Workers of the Occupied Arab Territories* (Geneva, International Labour Office, 2016), para. 116.

[50] ILO, *The Situation of Workers of the Occupied Arab Territories* (Geneva, International Labour Office, 2016), para. 118.

88. On 17 April 2016, the Israeli Cabinet held its first meeting ever in the occupied Syrian Golan.[11] At the opening of the meeting, the Prime Minister of Israel stated that "the Golan Heights will forever remain in Israel's hands", vowing that his Government will "continue to strengthen the residents, the communities, the industry and the agriculture however we can". He further called upon the international community to "finally recognize that the Golan Heights will remain under Israel's sovereignty permanently".[12]

IV. Conclusion

89. **Fifty years of occupation of Palestinian and Syrian lands have created severe limitations on social and economic development in the Occupied Palestinian Territory and the occupied Syrian Golan. The impact of Israeli policies and practices on the Palestinian people, society and economy, in particular, is multilayered and has accumulated over the decades of occupation.**

90. **Israeli practices and policies in the Occupied Palestinian Territory and the occupied Syrian Golan violate international humanitarian and human rights law, and some of them may be considered discriminatory. Certain Israeli practices may amount to a forcible transfer of protected persons, which could be a grave breach of the Fourth Geneva Convention.**

91. **Adherence to international law is imperative, ensuring that no party enjoys impunity and securing justice and peace for all the peoples in the region, including the Palestinian and Syrian populations under occupation.**

92. **The United Nations maintains its long-standing position that lasting and comprehensive peace can only be achieved through a negotiated two-State solution. The Secretary-General will continue to ensure that the United Nations works towards the establishment of an independent, democratic, contiguous and viable Palestinian State living side by side in peace with a secure Israel in the framework of a comprehensive regional settlement, consistent with relevant Security Council resolutions.**

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[11] Israel, Ministry of Foreign Affairs, communiqué, 17 April 2016. Available from http://mfa.gov.il/MFA/PressRoom/2016/Pages/Cabinet-communique-17-April-2016.aspx.

[12] See http://www.pmo.gov.il/english/mediacenter/secretaryannouncements/pages/govmes170416.aspx.